

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R055-24

April 10, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 439.200 and 458.025.

A REGULATION relating to detoxification technicians; revising requirements for an application for certification as a detoxification technician; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law authorizes the Federal Bureau of Investigation (FBI) to conduct criminal history background checks for the purposes of licensing and employment. Pursuant to federal law, the FBI is empowered to share criminal history record information with officials of state and local governments for the purposes of licensing and employment if authorized by a state statute which has been approved by the Attorney General of the United States. (Title II, Public L. No. 92-544, 86 Stat. 1109) The Attorney General has delegated the authority to approve statutes to the FBI. (28 C.F.R. § 0.85(j)) The standards employed by the FBI in approving statutes have been established by a series of memoranda issued by the Office of Legal Counsel in the Department of Justice and include the requirement that authorization to conduct a criminal history background check must be contained in a statute which exists as a result of a legislative enactment, rather than an administrative regulation or other rule not enacted by a legislature.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to certify or deny certification of a detoxification technician on the basis of standards established by the State Board of Health for such certification, with some exceptions. (NRS 458.0255, 458.0256) Existing law does not require an applicant for certification as a detoxification technician to be fingerprinted for the purpose of a criminal history background check. (NRS 458.025) Existing regulations require an applicant for certification as a detoxification technician to submit with his or her application: (1) a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) the fees charged for the handling of the fingerprint cards and issuance of the reports of criminal history. (NAC 458.342) This regulation removes this requirement.

Section 1. NAC 458.342 is hereby amended to read as follows:

458.342 An applicant for certification as a detoxification technician must submit to the Division a completed application. To be considered complete, an application must:

1. Be accompanied by a nonrefundable fee in the amount of \$25; and

2. Include:

(a) Documentation verifying that the applicant meets the qualifications set forth in NAC 458.341;

(b) A statement signed by the applicant indicating whether the applicant has been convicted of a felony and, if so, when and where the conviction occurred and a description of the offense;

(c) Written verification of the applicant's current employment, if any;

(d) Completed forms, approved by the Division, verifying the applicant's employment experience; *and*

~~(e) [A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report and the amount of the fees charged by the Central Repository and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories; and~~

~~—(f)~~ Any other information required pursuant to this chapter or chapter 458 of NRS.